

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/16/2008 has been entered.

Response to Remarks

1. The applicant has amended the claims as was proposed during a telephone interview on 1/8/08 and 1/1/08. The examiner reviewed the proposed amendments at that time and determined that they would overcome prior art Davis.
2. The examiner has determined that an examiner's amendment was needed to place the remaining claims in allowable form.
3. Claims 2,3,7,10-12, and 16 are cancelled.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert J. Sacco (Reg. 35,667) on 3/24/08.

The claims are to be amended as follows:

Claim 1, line 9: after "tone", insert - - determining a difference between said intensity measured for each of said tones and an intensity predicted by a standard loudness contour for each of said tones - - .

Claim 9, line 10: after "tone", insert - - determining a difference between said intensity measured for each of said tones and an intensity predicted by a standard loudness contour for each of said tones - - .

Claim 13, line 12: after "between said intensity", insert - - measured for each of said tones - - .

Claim 13, line 13: after "contour" insert - - for each of said tones - - .

Claim 15, line 10: after "tone", insert - - - - determining a difference between said intensity measured for each of said tones and an intensity predicted by a standard loudness contour for each of said tones - - .

Claim 17, line 9: after "tone", insert - - - - determining a difference between said intensity measured for each of said tones and an intensity predicted by a standard loudness contour for each of said tones - - .

Allowable Subject Matter

5. Claims 1, 4-6,8,9,13-15 and 17 are allowed.
6. The following is an examiner's statement of reasons for allowance: Regarding claims 1,4,13,14 and 17, prior art Davis (6,682,472) discloses a method for measuring hearing loss comprising performing a standard audiometric procedure (column 10, lines 11-18) which reads on selecting a series of audio tones within the normal range of

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hearing, and using the values in Table 2 to correct the audiometric readings for equal loudness (column 10,line 66-column 11, line 8) which reads on measuring a relative sensitivity of a test subject with respect to the ability to hear each of the audio tones. As taught in column 9,line 60-column 10,line 10), the equal loudness contour is selected to be exclusive of the effects of tinnitus.

Regarding claims 9 and 15 prior art Neumann (US 4,680,798) discloses setting for each of a plurality of frequency bands of said hearing aid device an audio gain level to compensate for said dispersion loss.

Regarding claims 4 and 13 prior art John (US 6,602,202) discloses measuring difference between expected or predicted results and observed or measured results (column 19, lines 32-45).

The prior art generally teaches of measuring or testing hearing loss.

Regarding claims 1,4,9,13,15 and 17 the prior art or combination thereof fails to disclose or make obvious determining a difference between said intensity measured for each of said tones and an intensity predicted by a standard loudness contour for each of said tones.

Claims 5,6,8, and 14 are allowed due to dependency on claims 1,4 and 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEVONA E. FAULK whose telephone number is (571)272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEF

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615